

INSTRUCTIONS TO COUNSEL CONCERNING JURY SELECTION (CIVIL) OF  
HON. KIMBA M. WOOD  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
(Revised 12/5/08)

The following is a description of the struck panel method by which the jury will be selected in all proceedings before Judge Wood.

There are many variations on this basic technique and it is important that counsel understand exactly what procedure will be followed.

Also, the procedure requires that counsel take more careful notes and observe more panelists than under the traditional jury selection method, and hence, this memorandum.

Jurors will be seated initially in the order previously selected at random by the Jury Clerk.

In a two-party civil case in which there is to be a seven-person jury and each side has three peremptory challenges, we will generally voir dire 15-25 panelists.

From time to time, jurors may be questioned out of the hearing of other jurors. Counsel will present to the Court any proposed questions for the Court to ask jurors, and any challenges for cause, outside the hearing of the jury panel. Any jurors excused for cause will leave, and an equal number of substitutes will be voir dired. The same procedure will then be repeated until the requisite number of panelists have been seated after the exercise of challenges for cause. The consequence of excusing any panelist is that all the remaining panelists on the list move up one slot.

We will then adjourn to sidebar. All remaining challenges are exercised at sidebar. Counsel must exercise all their peremptory challenges simultaneously with one another. Each counsel shall write on a piece of paper the names of the panelists he/she wishes to challenge (no more than three each), which papers will then be handed to the Judge.

When each side has exercised its peremptory challenges, the first 7 names unchallenged constitute the jury. The jurors will elect their own foreperson.

This selection method has a number of virtues. When a peremptory is exercised, counsel know the consequences: i.e., you know who will replace the challenged panelist.

The second principal virtue is that the jurors who sit never know who challenged the other panelists, and you thus avoid speculation as to why one party challenged certain panelists.

This system has been found to have other virtues. Besides making the selection process more informed and less of a gamble, it has proved to be expeditious. In a multi-party case, it also facilitates counsel conferring without awkward courtroom huddling.